

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

This was a civil action brought on the basis of diversity jurisdiction. On December 11, 2008, the court entered judgment in plaintiff's favor against defendants Prime Title Services, LLC, Scott D. Hoeft and Eileen M. Hoeft. (Dkt 47). On March 5, 2009, the court entered its amended judgment. (Dkt 53). Now before the court is plaintiff's January 12, 2009 bill of costs. (Dkt 49). Plaintiff seeks an award of costs in the amount of \$478.90. Defendants have not objected to any portion of the plaintiff's bill of costs.

Rule 54(d) of the Federal Rules of Civil Procedure provides that costs “should be allowed to the prevailing party,” unless the court otherwise directs. FED. R. CIV. P. 54(d). The rule “creates a presumption in favor of awarding costs, but allows denial of costs at the discretion of the trial court.” *White & White, Inc. v. American Hosp. Supply Corp.*, 786 F.2d 728, 730 (6th Cir. 1986); *see Soberay Mach. & Equip. Co. v. MRF Ltd., Inc.*, 181 F.3d 759, 770 (6th Cir. 1999); *accord In re Cardizem CD Antitrust Litig.*, 481 F.3d 355, 358-60 (6th Cir. 2007). Because the rule prescribes a course of action as the norm but allows the district court to deviate from it, the court’s discretion is more limited than it would be if the rule were nondirective. *Goosetree v. Tennessee.*

796 F.2d 854, 863 (6th Cir. 1986). It is therefore incumbent upon the unsuccessful party to show circumstances sufficient to overcome the presumption favoring an award of costs to the prevailing party. *Id.* Defendants have not advanced any reason why the court, in its discretion, should deny an award of costs. Accordingly, the court will allow taxable costs to plaintiff in the amount of \$478.90, and judgment will be entered in plaintiff's favor in that amount.

Dated: March 12, 2009

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge